

**SUPREME COURT MINUTES
THURSDAY, AUGUST 25, 2011
SAN FRANCISCO, CALIFORNIA**

S045696**PEOPLE v. GARCIA (RANDY
EUGENE)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Baxter, J.

-- joined by Cantil-Sakauye C. J., Werdegarr, Chin, Corrigan, and Kane*, JJ.

Concurring Opinion by Kennard, J.

* Associate Justice, Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S076582**PEOPLE v. BLACKSHER
(ERVEN R.)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye C. J., Kennard, Baxter, Werdegarr, Chin, and Armstrong*, JJ.

* Associate Justice, Court of Appeal, Second Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S194951

A128647 First Appellate District, Div. 3

**SANDER (RICHARD) v.
STATE BAR OF
CALIFORNIA**

Petition for review granted; issues limited

The petition for review is granted.

The issues to be briefed and argued are limited to the following:

- (1) What ground, if any, exists for finding that the information sought by plaintiffs is information that is subject to public disclosure?
- (2) What is the effect, if any, of the representation of confidentiality made by the State Bar to the individuals from whom the information was collected?
- (3) Does the form in which the requested information is regularly maintained affect whether the State Bar must provide the requested information?

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S179194 H034040 Sixth Appellate District**BAKER (CHRISTINE L.) v.
WORKERS'
COMPENSATION APPEALS
BOARD & X.S.**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to and including November 9, 2011, or the date upon which rehearing is either granted or denied, whichever occurs first.

S029843**PEOPLE v. BECK (JAMES
DAVID) & CRUZ (GERALD
DEAN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing appellant Gerald Dean Cruz's reply brief by March 1, 2012, counsel's request for an extension of time in which to file that brief is granted to October 25, 2011. After that date, only two further extensions totaling about 120 additional days are contemplated.

S044739**PEOPLE v. BANKSTON
(ANTHONY GEORGE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Steven E. Mercer's representation that he anticipates filing the respondent's brief by April 16, 2012, counsel's request for an extension of time in which to file that brief is granted to October 21, 2011. After that date, only three further extensions totaling about 180 additional days are contemplated.

S101247**PEOPLE v. VARGAS
(EDUARDO DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Russell S. Babcock's representation that he anticipates filing the appellant's opening brief by December 1, 2011, counsel's request for an extension of time in which to file that brief is granted to October 18, 2011. After that date, only one further extension totaling about 40 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S114671**PEOPLE v. SCHULTZ
(MICHAEL JOSEPH)**

Extension of time granted

Good cause appearing, and based upon counsel Jeralyn Keller's representation that she anticipates filing the appellant's opening brief by May 25, 2012, counsel's request for an extension of time in which to file that brief is granted to October 20, 2011. After that date, only four further extensions totaling about 210 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S190581

F058434 Fifth Appellate District

**RIVERISLAND COLD
STORAGE, INC. v.
FRESNO-MADERA
PRODUCTION CREDIT
ASSOCIATION**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to September 28, 2011.

S191934

A125969 First Appellate District, Div. 2

**PEOPLE v. MILLS (AHKIN
RAMOND)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September 21, 2011.

S193938

D056619 Fourth Appellate District, Div. 1

**PEOPLE v. PARK (AARON
SING-UK)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Doris M. LeRoy is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S126953**BROOKINS ON DISCIPLINE**

Probation modified

The court orders that the probation of ZAKEYA LEONA BROOKINS, State Bar Number 212900, is modified extending probation to July 31, 2014. (See Calif. Rules of Court, rule 9.10(c).)

S194059**DELLER ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT DELLER, State Bar Number 134311, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ROBERT DELLER must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 3, 2011; and
2. At the expiration of the period of probation, if ROBERT DELLER has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ROBERT DELLER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2012 and 2013. If ROBERT DELLER fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S194062**DOWNEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN CURTIS DOWNEY, State Bar Number 70689, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. STEPHEN CURTIS DOWNEY is suspended from the practice of law for a minimum of two years and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Harry or Elizabeth Mezian in the amount of \$2,075 plus 10 percent interest per year from December 1, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Harry or Elizabeth Mezian, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. STEPHEN CURTIS DOWNEY must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. STEPHEN CURTIS DOWNEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 25, 2011.
3. At the expiration of the period of probation, if STEPHEN CURTIS DOWNEY has complied

with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN CURTIS DOWNEY must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

STEPHEN CURTIS DOWNEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S194065**ESQUEDA ON DISCIPLINE**

Recommended discipline imposed

The court orders that EDWARD ANTHONY ESQUEDA, State Bar Number 146057, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. EDWARD ANTHONY ESQUEDA is suspended from the practice of law for the first 90 days of probation;
2. EDWARD ANTHONY ESQUEDA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 2, 2011; and
3. At the expiration of the period of probation, if EDWARD ANTHONY ESQUEDA has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

EDWARD ANTHONY ESQUEDA must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

EDWARD ANTHONY ESQUEDA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2012 and 2013. If EDWARD ANTHONY ESQUEDA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S194066**FAULK ON DISCIPLINE**

Recommended discipline imposed

The court orders that RONALD EDWARD FAULK, State Bar Number 68325, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. RONALD EDWARD FAULK is suspended from the practice of law for the first 30 months of probation (with credit given for inactive enrollment, which was effective August 15, 2008, through April 24, 2011 [Bus. & Prof. Code, § 6233]).
2. RONALD EDWARD FAULK must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on April 28, 2011.
3. At the expiration of the period of probation, if RONALD EDWARD FAULK has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

RONALD EDWARD FAULK must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S194068**FEGEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PAUL F. FEGEN, State Bar Number 31680, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

PAUL F. FEGEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S194069**GLATZHOFFER ON
DISCIPLINE**

Recommended discipline imposed

The court orders that CRAIG STEVEN GLATZHOFFER, State Bar Number 188670, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. CRAIG STEVEN GLATZHOFFER is suspended from the practice of law for the first 30 days of probation;

2. CRAIG STEVEN GLATZHOFFER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 5, 2011; and
3. At the expiration of the period of probation, if CRAIG STEVEN GLATZHOFFER has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CRAIG STEVEN GLATZHOFFER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S194072**McKEE ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT CUMMINGS McKEE, State Bar Number 154077, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. SCOTT CUMMINGS McKEE is suspended from the practice of law for the first six months of probation;
2. SCOTT CUMMINGS McKEE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 25, 2011; and
3. At the expiration of the period of probation, if SCOTT CUMMINGS McKEE has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

SCOTT CUMMINGS McKEE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If SCOTT CUMMINGS McKEE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S194074**SIMONE ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATHEW WILLIAM SIMONE, State Bar Number 109915, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MATHEW WILLIAM SIMONE is suspended from the practice of law for the first 45 days of probation;
2. MATHEW WILLIAM SIMONE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 4, 2011; and
3. At the expiration of the period of probation, if MATHEW WILLIAM SIMONE has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MATHEW WILLIAM SIMONE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If MATHEW WILLIAM SIMONE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S194075**SMITH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN DOUGLAS SMITH, State Bar Number 60028, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEPHEN DOUGLAS SMITH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fifth of the costs must be paid on June 1 for each of the years 2012, 2013, 2014, 2015, and 2016 as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 28, 2011. If STEPHEN DOUGLAS SMITH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.